

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

STATE OF ARIZONA, *et al.*,

PLAINTIFFS,

v.

MERRICK GARLAND, in his official
capacity as Attorney General of the United
States, *et al.*,

DEFENDANTS.

CIVIL ACTION NO. 6:22-cv-01130

Proposed Preliminary Injunction

The Court has considered Plaintiff States’ Motion for a Preliminary Injunction and the Memorandum and exhibits attached thereto, the applicable law, and Plaintiff States’ Complaint. On the basis of these pleadings and papers, this Court hereby concludes that Plaintiff States are likely to prevail on their claims that: (1) Defendants’ issuance of the Asylum IFR violates the Administrative Procedure Act (“APA”) because it was issued without complying with notice-and-comment rulemaking procedures and Defendants failed to establish that either the “good cause” or “foreign affairs” exceptions apply and (2) the Asylum IFR is arbitrary and capricious, thus violating the APA, including because it (a) failed to consider the harms it would impose on Plaintiff States, (b) failed to consider Plaintiff States’ reliance interests, (c) failed to consider the impacts of the predicted surge in unlawful immigration, and (d) violates the Immigration and Nationality Act, the Homeland Security Act, and the Secure Fence Act.

The Court further concludes that Plaintiff States will suffer irreparable harm absent issuance of injunctive relief and that the balance of harms and public interest both favor issuance of a preliminary injunction.

IT IS THEREFORE ORDERED that the effective date of the Asylum IFR is delayed until resolution of this action.

IT IS FURTHER ORDERED that Defendants, in their official capacities; their servants, agents, and employees; and all persons in active concert or participation with them, who receive actual Notice of this Preliminary Injunction, and until a full trial on the merits is had, are hereby enjoined from enforcing or implementing the Asylum IFR or any of its terms anywhere within the United States, including within the borders of Plaintiff States.

IT IS FURTHER ORDERED that Defendants shall file with this Court and serve on Plaintiff States within ____ days from the date of entry of this Preliminary Injunction a report in writing setting forth in detail the manner in which Defendants have complied with the terms of this Preliminary Injunction; and

IT IS FURTHER ORDERED that this Order shall become effective immediately.

IT IS FURTHER ORDERED that no bond is required.

Signed this ____ day of _____, 2022

DAVID C. JOSEPH
UNITED STATES DISTRICT JUDGE